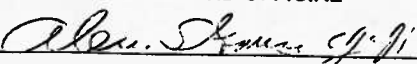

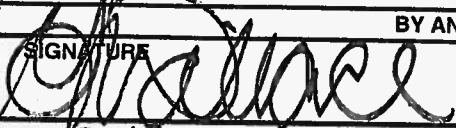
	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		ASSISTANCE ID NO.			DATE OF AWARD <b>SEP 09 2004</b>  MAILING DATE <b>SEP 16 2004</b> ACH#
			PRG	DOC ID	AMEND#	
			C9 -	96905101	- 0	
			TYPE OF ACTION Continuation			
RECIPIENT TYPE: Indian Tribe			PAYMENT METHOD: Advance			Send Payment Request to: Grants Management Office, PMD-7
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410			
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: Phone: 775-265-8682		EPA PROJECT OFFICER Tiffany Eastman 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Eastman.Tiffany@epamail.epa.gov Phone: 415-972-3404		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, PMD-7 E-Mail: Brown.GwenL@epamail.epa.gov Phone: 415-972-3661		
<b>PROJECT TITLE AND DESCRIPTION</b> NONPOINT SOURCE MANAGEMENT PROGRAM - EXPAND TRIBAL PROGRAM & EROSION CONTROL PROJECT This agreement provides full EPA funding in the amount of \$317,298 in assistance to Washoe Tribe of NV&CA to implement a nonpoint source pollution control program to control nonpoint sources of water pollution. Workplan tasks include: (1) Program Fiscal Administration (2) Summarize Progress; Program Annual Evaluation (3) Program Capacity Building and Coordination (4) Wellhead Protection (5) Triennial Updating of NPS Assessment Report and Management Program (6) Clear Creek Restoration at Stewart Community (7) Waterfall Fire Rehabilitation Implementation Projects The specific details are in the approved workplan.						
Preaward costs are approved back to 7/1/04. In accordance with 40 CFR 35.635, EPA approves Washoe Tribe of NV&CA's request for a financial hardship waiver. This approval reduces the Tribe's non-federal match from 40% to 10% for this CWA 319 agreement.						
BUDGET PERIOD 07/01/2004 - 10/31/2005		PROJECT PERIOD 07/01/2004 - 10/31/2005		TOTAL BUDGET PERIOD COST \$352,553.00		TOTAL PROJECT PERIOD COST \$352,553.00
<b>NOTE:</b> The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.						
<b>OFFER AND ACCEPTANCE</b>						
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Washoe Tribe of NV &amp; CA</u> for <u>90.00</u> % of all approved costs incurred up to and not exceeding <u>\$317,298</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>07/26/2004</u> included herein by reference.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, PMD-7 75 Hawthorne Street San Francisco, CA 94105				ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division 75 Hawthorne Street San Francisco, CA 94105		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Alexis Strauss, Director - Water Division			DATE <b>SEP 09 2004</b>	
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE A. Brian Wallace, Tribal Chairman			DATE <b>OCT 08 2004</b>  GMO, PMD-7	
cc: PMD-6 on 10/20/04						

## EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 317,298	\$ 317,298
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 35,255	\$ 35,255
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 352,553	\$ 352,553

<b>Assistance Program (CFDA)</b>	<b>Statutory Authority</b>	<b>Regulatory Authority</b>
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	W0E117	04	E1C	09LA0D5	202B01E	4183	-	-	132,218
-	W0E117	04	E1	09LA0D5	202B01E	4183	-	-	185,080
									317,298

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$121,426
2. Fringe Benefits	\$22,668
3. Travel	\$2,288
4. Equipment	\$22,825
5. Supplies	\$4,705
6. Contractual	\$92,452
7. Construction	\$0
8. Other	\$65,860
9. Total Direct Charges	\$332,224
10. Indirect Costs: <u>9.94%</u> Base <u>SEE BELOW</u>	\$20,329
11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %.)	\$352,553
12. Total Approved Assistance Amount	\$317,298
13. Program Income	\$0

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1.	\$
TABLE A, LINE 10, INDIRECT COSTS based on total direct less capital expenditures and passthrough. Refer to condition regarding indirect costs.	
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

## Administrative Conditions

TERMS AND CONDITIONS NUMBERED 1 THROUGH 15 APPLY.

- Revise*
1. The final Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), for this award shall be submitted to the Grants Management Office, PMD-7, within 90 days after the end of the budget period (40 CFR Part 31.23(b)).
  2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
  3. The recipient agrees to complete and submit to the Grants Management Office, PMD-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.
  4. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
  - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
  - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
  - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;
  - d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;
  - e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and

f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.

*Revise* 6. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost proposal is submitted and received by the Department of Interior (DOI) within six months after the close of the recipient's fiscal year. After DOI has received the indirect cost proposal, indirect costs authorized in this award may be reimbursed in accordance with the lower of either the last approved Negotiated Indirect Cost Rate Agreement (ICA) or the proposed rate until DOI approves the new indirect cost rate.

✓ 7. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular A-87 which prohibits the use of federal grant funds for litigation against the United States.

8. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

9. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

*Revise* 10. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors to the maximum daily rate for a GS-18, which is equivalent to level 4 of the Executive Schedule, to be adjusted annually. As of January 1, 2004 the daily salary rate is \$524.72.

• 11. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

### **Programmatic Conditions**

✓ 12. This grant work program is subject to the statutory "satisfactory progress" provision prescribed in Section 319(h)(8) and the EPA policy on Performance Based Assistance (May 31, 1985).

✓ 13. Modifications to the approved workplan, including deletions or changes in the schedule or budget shall be submitted to the EPA Project Officer for approval prior to the actual modifications.

*Revised* 14. The grantee shall submit to the EPA Project Officer quarterly reports to self-evaluate and to joint-evaluate annual performance under the grant, including:

- Status of each workplan goal, task, deliverable;
- Status of expenditures for reporting period;
- Summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance;
- Tasks not on schedule and proposed dates of completion.

Each report is due thirty (30) days after the end of each Federal fiscal quarter (i.e., 30th of January, April, July and October).

✓ 15. This grant includes the performance of environmental measurements. A Quality Assurance Plan was approved by the Washoe Tribe of Nevada and California and EPA on November 13, 2000. However, there are new measurements activities which are planned which are not covered by the existing document, therefore either a new QA Plan must be prepared or else the existing QA Plan must be amended or modified to reflect these new measurements. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3798.

END OF DOCUMENT